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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,271	01/30/2004	Katsutoshi Fukunaga	000409-086	4838

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EXAMINER
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ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,271

Applicant(s)

FUKUNAGA ET AL.

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received. .

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claims 2 and 3 are objected to because of the following informalities :

Claim 2; line 4 - "other one or the other of" should be replaced with –the other of one or the other of–.

Claim 2; line 5 - replace "one of the" with –the one--.

Claim 2; line 6 - replace "another" with –the other–.

Claim 3; line 4 - "other one or the other of" should be replaced with –the other of one or the other of–.

Claim 3; line 5 - replace "one of the" with –the one--.

Claim 3; line 6 - replace "another" with –the other–.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,463,773 to Dimig.

Dimig '773 teaches Applicant's claim limitations including : a "latch mechanism" - including 22, an "open unit" - including 52 and/or 53, a "lock unit" - including 66 and/or 86, an "actuator" - 68 or 88, a "housing" - as shown in Fig 4 for example, a "case for storing at least the actuator" - including 12,14,16,82.

As regards claim 2, parts 14,16 are shown to have a "recess" (on right side of 16 as shown in Fig 4) and a "projection" (on right side of 14).

As regards claims 2 and 3, alternatively one of ordinary skill in the art would recognize that part 16 has in its periphery (on the side shown in Fig 5) that are recessed for receiving the "projection(s)" 18,18,18 of part 14 that are shown in Fig 4.

As regards claim 4, housing includes structure that reads on limitation of "protection portion" at 98 in fig 7 for example where the operating cable is described in written specification.

As regards claim 5, the walls of the portion holding the actuator are in common with the housing at large.

As regards claim 6, parts 12 and 14 read on "first housing half" and "second housing half" where part 12 has a "first wall" that is curved to fit around the actuator and is perpendicular to the assembly plane of parts 12,14 and a "second wall" (leftmost in Fig 4) that is parallel to the assembly plane. Part 82 for

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example reads on "cap portion" where further description of "by assembling the first wall" does not clearly define any particular structure that can be relied upon to patentably distinguish from the prior art.

5. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,511,107 to Barczynski.

Barczynski '107 teaches Applicant's claim limitations including : a "latch mechanism" - including 18, an "open unit" - including 32, a "lock unit" - including 62, an "actuator" - 76, a "housing" - including 78, a "case for storing at least the actuator" - including portion of 78 that closely surrounds the actuator.

As regards claim 2, the top of parts 16,78 (as shown in Fig 2) are each shown to include a "recess" and a "projection" for interfitting.

As regards claim 3, part 78 is shown to have a "second projection" on its lower left side (as shown in Fig 2) for interfitting with a "second recess" in 16.

As regards claim 4, Barczynski '107 explicitly discloses that a cable is within teachings of the reference but does not illustrate the arrangement as claimed.

As regards claim 5, as phrased, any of the walls closely surrounding the actuator are a part of the housing at large and read on broad limitation.

As regards claim 6, parts 78 and 16 read on "first housing half" and "second housing half" respectively, where part 78 has a "first wall" from which the electrical connector extends (that wall being shown in Fig 2 as parallel to the plane of assembly of the two halves, and a "second wall" - 90 for enclosing the

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actuator in the assembly, and a "cap portion" - the portions of 78 closely surrounding the actuator where further description of "by assembling the first wall" does not clearly define any particular structure that can be relied upon to patentably distinguish from the prior art, especially since part 90 is assembled to 78 prior to its assembly with 16.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,463,773 to Dimig in view of U.S. Pat. No. 6,698,300 to Swan.

There is an oval space on the outside wall of part 12 that one of ordinary skill in the art would recognize as being provided for electrical connection of the actuators housed therebehind. Regardless one of ordinary skill in the art would recognize the need for electrical connection, at least to power the actuator and Swan '300 more fully discloses that electrical connections on the housing are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 'first wall' of the housing with an electrical connection/"electric supply route" for providing power to the actuator.

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One of ordinary skill in the art would have more than a reasonable expectation of success due to the explicit disclosures of the prior art as regards electrical connections on the housing of motor vehicle latches.

### ***Allowable Subject Matter***

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,000,495 to Wolfgang.


U.S. Pat. No. 5,236,234 to Norman.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky  
Primary Examiner  
Art Unit 3676